

Date: Monday, June 1, 2009
Time: 3:00 p.m.
Place: Council Chambers, City Hall

PRESENT:

Board

C. Warren Director of Development Services (Chair)
R. Jenkins Assistant Director, Central Area
D. McLellan General Manger of Community Services
T. Timm General Manager of Engineering Services

Advisory Panel

M. Nielsen Representative of the Design Professions (Urban Design Panel)
S. Chandler Representative of the Development Industry
J. Stovell Representative of the Development Industry
S. Bozorgzadeh Representative of the General Public
H. Hui Representative of the General Public
K. Hung Representative of the General Public
K. Maust Representative of the Vancouver Heritage Commission

Regrets

M. Woodruff Representative of the Design Professions
A. Yan Representative of the General Public

ALSO PRESENT:

City Staff:

B. Boons Assistant Director of Processing Centre - Development
P. Storer Engineering Services - Projects Branch
D. Morgan Development Planner
S. Barker Project Facilitator

2080 WEST BROADWAY - DE412784 - ZONE C3-A

J. Bingham Howard Bingham Hill Architect
J. Wollenberg Coriolis Consulting
V. De Cotiis Pinnacle International
P. Kreuk Durante Kreuk Landscape Architects

Recording Secretary: L. Harvey

1. MINUTES

It was moved by Mr. Jenkins seconded by Mr. McLellan and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of February 23, 2009 be approved with the following amendments:

Amend Page 4, under Questions/Discussion, 2nd bullet to read:

If the Preliminary Application is approved, the Board can decide whether the Complete Application should come back to the Board or seek approval from the Director of Planning.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 2080 WEST BROADWAY - DE412784 - ZONE C3-A
(COMPLETE APPLICATION)**

Applicant: Howard Bingham Hill Architect

Request: To develop this site with a seven storey mixed-use building containing retail and residential uses (a total of 135 dwelling units) all over three levels of underground parking having vehicular access from the lane.

Development Planner's Opening Comments

Dale Morgan, Development Planner, introduced a complete application for a 7-storey mixed-use development to include retail and townhouses at grade with six storeys of residential over underground parking. The application is located in the C-3A District in the Broadway-Arbutus sub area. The application is seeking a conditional height up to 76 feet to the top of the roof parapet and a density of 3.0 FSR. Mr. Morgan described the site and context noting that presently there is a small garden store and a surface parking lot for the grocery and liquor store located on the neighbouring site. There is also an existing lane that separates the two sites. Mr. Morgan also noted that a portion of the site was previously used as a gas station and it is thought that the soil is likely contaminated and would require remediation as part of the development. Mr. Morgan described the neighbouring buildings noting that south of the subject site there is a mix of office and residential development as well as single family homes and that north of West Broadway there are medium density multi-unit residential buildings.

The guidelines for the area have suggested a maximum height of 70 feet. This is understood to be a reference point for new development and that new development will not always be consistently and exactly 70 feet and that some variation is necessary to account for specific site characteristics, such as sloping grades. The proposed maximum height to the top of the main roof parapet is 76.6 feet for the west block and 74.63 feet for the east block because of the sloping grade across the site. Staff supports the proposed height as the height reinforces the intended urban design for this part of West Broadway. The Urban Design Panel had supported the proposed height and advised that the building heights within this range were appropriate for this part of West Broadway. Also, the height enables higher, more viable retail height along the West Broadway frontage, especially for the largest retail unit. The height is comparable to The Pulse at 2528 Maple Street. Staff conclude that the extra height did not have a significant impact on shadowing or private views.

The intent of the massing is to provide good sunlight and view penetration through the site for the mid and upper massing and a street wall for the low rise. Mr. Morgan noted that staff have advised the applicant that the mid and upper massing be split into two parts to reduce size and scale. He added that staff has concluded that the massing is well handled and that the site can well absorb a density of 3 FSR.

Mr. Morgan noted that the Urban Design Panel thought the overall treatment of the retail frontage was too horizontal and monolithic in form. Further design development is advised to provide a finer scale and more vertical expression as noted in Condition 1.1.3.

As requested by the community, eleven surface parking spaces have been provided with direct access to the retail floor area from the lane. Located directly above and cantilevered over the surface parking are five single bedroom units. The location of these units is problematic. There are CPTED issues related to the overhang, and as well, their impact on the height of the retail floor will reduce the floor to floor resulting in less than the optimum height as identified in Condition 1.1. Condition 1.2 asks the applicant to either relocate or modify the five units.

Regarding livability, Mr. Morgan noted that the mid level massing of the east tower, north elevation, floor levels three to five, compromises daylight access. Staff would recommend substantially reducing the cantilevered massing of the upper floors to improve livability of the units below. The proposed entry levels of the townhouses are below sidewalk level and staff recommend that the entry level be higher than street grades to improve spatial separation from the street and to enhance privacy.

The public realm treatment is considered to be well handled with a double row of trees being proposed. Trees are also proposed for Maple Street. A large open space is proposed at the northwest corner of the site for a possible future public transit station.

A fully glazed pedestrian entry to the underground parking is located along the West Broadway frontage, providing day lighting of the entry and stairway. Staff would recommend the applicant further open up this space for more day lighting, make the stairs less utilitarian and strengthen the visual presence of the street entrance.

High quality materials have been proposed and are well resolved. The building is clad predominately in glass; a mix of clear and spandrel glass, metal paneling and brick cladding.

Mr. Morgan noted that the application is intended to meet LEED™ Silver equivalent.

After reviewing the recommendations contained in the Staff Committee Report dated May 20, 2009, Mr. Morgan's recommendation was for support of the proposal, subject to the conditions contained in the Staff Committee Report.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by Mr. Morgan:

- The impact on views with the height at 76 feet has no noticeable impact as the view is partially obscured at 70 feet.
- The viability of the retail is affected by the ability of a tenant to have a higher retail space to go along with the functions and improve the experience of the shopper. There is an opportunity for a grocery store to be attracted to the space as the floor space provides for that type of tenant.

- Condition 1.5 is asking for a turn around at the end of the lane.
- West Broadway, in this location, is a potential stop for the future UBC line.
- The applicant is locating the garage entrance and loading at the end of the lane at Maple Street.
- The future of the M1 site to the south has yet to be determined although rezoning is possible. Council has given some direction regarding rezoning that would include public benefits such as affordable housing and day care. It is also possible that a grocery store could be included in the rezoning but Council would make that decision in consultation with the neighbourhood. Residential is a priority on the M1 site and a daycare is expected with the possibility of some commercial that is compatible with the residential. The owner has two choices, one is to proceed with a rezoning application for just the M1 site or they could look at both sites.
- There is no legal covenant for the parking to remain on the site and is the owner's purview to develop the site. The IGA could continue to operate without the parking lot.
- There is the potential to rezone the two sites together however; the applicant has only brought forward the C3-A site.
- The current grocery store is larger than the space in the new development. Most grocery stores are around 25,000 square feet with the proposed plan offering 15,000 square feet.
- The residents could plant vegetable gardens on their private decks.
- The applicant is providing sufficient loading and parking and there hasn't been any discussion to have anything other than a dead end lane. Staff are looking for an updated traffic impact study.
- The applicant's letter (Appendix L) was to clarify the city's questions regarding the continuing operation of the IGA once construction begins.

Applicant's Comments

Jay Wollenberg of Coriolis Consulting described the public process noting that his firm had been retained to facilitate and document the outcome of the community meetings. He noted that there were copies of the reports in the Staff Committee Report. The meetings were advertised and information was sent out to 5,000 homes. The first meeting had approximately 150 people with 116 completing the questionnaire. There were 95 people at the second meeting. The developer conducted a third meeting which was not facilitated by Coriolis Consulting. Mr. Wollenberg noted that there are two legal separate parcels with the rear portion zoned M1. There is also a City owned lane that runs between the two lots. There isn't any agreement that identifies the space for any other use other than a lane. Mr. Wollenberg stated that the future of the M1 site has not been decided at this time. Also, at this time, the developer is not able to make a commitment for the operation of the IGA and Liquor Store. Parking is only one issue as the store front would be facing the lane once the C3-A site becomes a development site. The only way into the store would be by accessing the lane as no sidewalk will be provided.

John Bingham, Architect, responded to the prior-to conditions. He noted that a major grocery store, liquor store and garden store could exist within the environment of the new development. He added that the new development will be pursuing LEED™ Silver equivalency. Mr. Bingham described the architecture for the development noting that they had worked hard to respond to all the guidelines. Regarding the lane, Mr. Bingham noted that a comfortable manoeuvring distance has been designed for the delivery trucks. As well the access for the underground parking is to the east of the site. It is not an easy site to develop and an additional setback of ten feet will be provided along West Broadway that impacts the massing and the dedication for the future transit station.

Regarding the prior-to conditions in the Staff Committee Report, Mr. Bingham said they were a valuable addition and had no problem in responding to all of the conditions. However, he did have some concerns with Condition 1.5 and the relocation of the suites facing the lane. He said it was necessary for security to have an overview on the lane. He added that all the issues have been resolved except for some engineering on the future transit line space. Mr. Bingham said he felt there wasn't a problem with the lane dedication and there was enough space for cars to turn around in the lane.

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by the applicant team:

- It is too early to provide a date as to when the transit station will be needed in terms of the UBC line. It's a matter of having the space provided to accept for a future station.

Comments from other Speakers

The following delegations spoke in opposition to the application:

Robyn Kendall
Veronica Ross
Marilyn Kalman
Patricia Oswald
Jerry Halpern
Miles Hunter
Maureen Charron
Kelly Anne smith
Eileen Verigin
Lyn Goytain
Marion Hayes
John Mills
Ann Doyle
Jean Patton
Ann Bethell
Hugh Carney
Bill Raikes
John Lloyd

Comments in opposition included:

- This development will be the end of the community
- Concerned about the height of the development and the additional traffic
- City policies and guidelines have not been followed for this application
- The application has not been fully reviewed for compliance with the Building By-law
- The developer is not listening to the neighbours
- No green space is being provided at ground level
- Community services are over burdened; need more community services when providing more residential units in a neighbourhood
- Blair Court houses residents with wheelchairs; where are they going to go to shop
- Concern with the children's play area being on the 6th floor in the development
- Would like to see a comprehensive plan for the two lots
- Not enough room in the new development to provide space for a grocery, liquor and garden store
- Not taking into consideration the needs of the neighbourhood

- The garden shop would like to be part of the development but needs significant outdoor space for plants
- If the grocery stores leaves, people will be in their cars more; how does that support EcoDensity and green initiatives
- Only nursery on the west side; would have to drive to Burnaby or Southlands for affordable plants
- More concrete building along West Broadway will increase the amplified noise
- The City should have a policy to ensure that small business operations survive
- There are seven senior developments in the area and they need to be able to walk to shopping
- There are a lot of store fronts along West Broadway that are currently vacant
- Could the IGA store be considered as heritage as a way to preserve the building

Questions/Discussion

In response to questions raised by the Board and Panel, the following clarification was provided by staff:

- There is potential for an interim use for the garden store in the new development.

Panel Opinion

Mr. Nielsen thanked the public for their comments. He noted that the Urban Design Panel supported the height, density and massing for the development. The Panel did have an issue with the retail height and thought it should be a minimum of fourteen feet. Also, the Panel thought the retail frontage required some design development to create a more engaging street front. The Panel raised the issue of the parking access below grade and for a stronger presence of the stair access as it would be an important entrance from the street. They also requested daylight for the stairwell. The Panel thought that sustainability initiatives could go further and that the applicant should look at geo exchange. The Panel raised concerns regarding the M1 site and asked for a context study to be undertaken.

Mr. Chandler thought the community was sincere in their comments. He noted that the zoning of the C3-A site represents a transition of the area which is happening all along West Broadway. Mr. Chandler thought the development of the site appears to be a loss to the area but represents a rhythm and vitality to the neighbourhood. Although he thought the development looked sterile in the drawings he thought that once people were introduced into the units they would enrich the community. He also thought the mixed-use aspect would enrich the community and that the applicant had done an excellent job in addressing the concerns of the C3-A zoning. As well he thought the massing of the development respected the intent of the guidelines and would provide a welcoming project along West Broadway. Mr. Chandler thought the space and open areas around the development were well done, particularly to the west and along West Broadway and he hoped that it was possible to accommodate the garden centre. Mr. Chandler thought the treatment of the lane with the provision of the drop off as well as the parking stalls worked well. The issue of the lane and what happens when the southern property is developed was a concern and Mr. Chandler questioned what would happen with the ingress and egress of vehicular traffic into the lane once the site was developed. He thought that all the design points had been well covered by the Urban Design Panel and the planners.

Mr. Stovell thought it was a well resolved C3-A development and that the relaxations were reasonable. He noted that there are many new developments along West 4th Avenue that have brought a lot of vitality to the street. Mr. Stovell was concerned that the application represented a collective failure regarding the constraints in the laneway and unresolved

questions regarding the liquor store and the IGA. As well he thought that it was a lost opportunity that the Board did not know what was going to happen to the M1 site in the future.

Ms. Hung felt conflicted regarding the comments from the members of the public but did support the development of the site. She said she didn't have any concerns with the height and thought the residential component of the project was well resolved. She also thought there were lots of public and private open spaces which provided a lot of interest to the building. She added that the public open space on the west side was significant for the future transit station. She did have some concerns regarding the retail component and thought this area could use more attention. Ms. Hung suggested breaking down the long frontage; something that speaks to smaller store fronts. Ms. Hung said she was concerned with the loss of services to the community and encouraged the developer and staff to develop the commercial level to accommodate the existing tenant on the site. She was also concerned with the traffic circulation in the lane and thought it could get messy. Ms. Hung suggested that the parking access on West Broadway should be treated as a retail store to deter any loitering and make it more comfortable for people wanting to access the stair well.

Mr. Hui said he liked the design of the building, especially the use of greenery. He thought the applicant did a good job in setting back the building along West Broadway. Mr. Hui asked if the developer had considered adding a gym in the building as a way of helping bring a community centre of sorts to the neighbourhood. Mr. Hui said he would also like to see a sidewalk in the lane to accommodate pedestrians.

Ms. Bozorgzadeh thought the project didn't belong in the neighbourhood and thought it was a shame that the IGA store had to go. Although she thought it was a good design, she was more concerned with what happens to the community as a result of the new development. Ms. Bozorgzadeh also thought the traffic issues had not been resolved. Ms. Bozorgzadeh said she was not in support of the application.

Board Discussion

Mr. McLellan thought the project was going to be an important node and an opportunity for future development. He was however concerned that the developer had not thought through the potential for the site and thought the commercial seemed to be a second thought for the application. The site would be a good location to accommodate local businesses. The street systems did not seem to be complete and the configuration of the lane was a concern. Mr. McLellan would like to have seen the lane come out to West Broadway but realized that was not an option because of the future transit station being located on the west side of the site. Mr. McLellan said he was not happy with the application and had many concerns that would have to be overcome. He was particularly concerned that the Board was not given any information on the future development of the M1 site. As a result, Mr. McLellan said he was not in support of the application.

Mr. Timm noted that the Board was charged by Council to approve what is in the zoning. The development meets the C3-A guidelines and the uses for the site are conditional based on policies and guidelines from Council. The speakers had questioned if those conditions were met but Mr. Timm said that the height and massing adheres to the guidelines. He added that the zoning does encourage a grocery storey but the Board can't mandate that use. Regarding the height, whether the building was 70 or 76 feet made no difference in the shadow impacts. Mr. Timm thought the treatment of the public realm and sustainability goals have been met in the application and the Board has no grounds to refuse the application. As well he thought conditions in the Staff Committee Report would help to make the development even better. However, the issue regarding traffic and a single lane to serve the site and the adjacent site

was not adequate for the long term. Mr. Timm also thought that having the lane come out to West Broadway was not a good solution either. He also agreed that there was a missed opportunity for the site not being considered along with the M1 site to the south. Mr. Timm thought the Director of Planning should pursue a discussion with the applicant to consider a comprehensive development of the two sites.

Mr. Jenkins noted that the existing zoning has been in place for many years and the Board needed to honour the zoning guidelines and the context and make a decision on that basis. He thought the increase in height was warranted because of the grade changes on the site and the advisability of maximizing the retail heights. The adjustments to the parking and the condition Mr. Timm recommended with respect to the garden centre were a way to maximize the potential uses on the site. Although there were no zoning parameters to obligate the developer to keep current tenants, Mr. Jenkins thought that was the best way to maximize the potential for the site. He thought there were still some issues that needed to be resolved, especially managing the access to the lane.

Mr. Jenkins thought there were broader issues for the future of the community as the location would be the subject of transit and station planning. It would be important to look at the form of development, uses and amenities that were appropriate for the site. He noted that Planning has looked at comprehensive development in the past and would encourage any discussion that moves forward a comprehensive development option. He added that the applicant has the right to proceed and they also have the right to continue discussion with the City regarding all their options that are available to them. Mr. Jenkins said he supported Mr. Timm's motion.

Motion

It was moved by Mr. Timm and seconded by Mr. Jenkins and was the decision of the Board:

THAT the Board APPROVE Development Application No. DE412784, in accordance with the Staff Committee Report dated May 20, 2009, with the following amendments:

Amend Condition 1.6 by adding "*and vehicular* use" after cyclists;

Amend Condition 1.6 Note to Applicant to read:
Separate legal agreements will be required for the pedestrian/cyclist/*vehicular* access and for the future rapid transit station identified in Condition 1.5. *In order to facilitate a garden shop as a tenant in the development, that the 20 foot right-of-way be temporarily made available to lease for outdoor plant storage until such time as the City requires the area be developed for public access.*

APPROVED
(Mr. McLellan opposed)

4. OTHER BUSINESS

None.

5. ADJOURNMENT

There being no further business, the meeting adjourned at 7:03PM.

L. Harvey
Assistant to the Board

C. Warren
Chair